

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

FILED
DISTRICT COURT
DISTRICT OF KANSAS

2012 APR -4 AM 10:16

MOTHY M. O'BRIEN
CLERK
DEPUTY
KANSAS CITY, KS

JAMES ONDERT ONWONG'A)
PHYSICAL ADDRESS: L.R. NGONG/NGONG)
14737 25TH AVENUE HOLLYWOOD DRIVE)
OFF MAGADI ROAD, KENYA)
MAILING ADDRESS: P.O. BOX 35459-00200)
(Enter above the full name of the Plaintiff(s)))
NAIROBI, KENYA)
vs. MELANIE ANN PUSTAY)
THE DIRECTOR)
OFFICE OF INFORMATION POLICY)
Name)
1425 NEW YORK AVENUE, NW SUITE 11090)
Street and number)
WASHINGTON D.C. 20530-0001)
City State Zip Code)

Case Number: 12-CV-2193 EFM/DJW

(Enter above the full name and address of the
Defendant in this action - list the name and
address of any additional defendants on the back
side of this sheet).

CIVIL COMPLAINT

I. Parties to this civil action:

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any, on an attached sheet of paper).

A. Name of plaintiff JAMES ONDERT ONWONG'A
Address PHYSICAL ADDRESS: LAND REFERENCE (L.R.)
NGONG/NGONG | 4737, 25TH AVENUE HOLLYWOOD
DRIVE OFF MAGADI ROAD, KENYA
MAILING ADDRESS: P.O. BOX 35459-00200
NAIROBI, KENYA.

(In item B below, write the full name of the defendant in the first blank. In the second blank, write the official position of the defendant. Use item C for the names and positions of any additional defendants).

B. Defendant MELANIE ANN PUSTAY is

employed at THE OFFICE OF INFORMATION POLICY

U.S. DEPARTMENT OF JUSTICE AS THE DIRECTOR.

C. Additional Defendants A. BARRY R. GRISSOM (THE UNITED STATES ATTORNEY IN KANSAS). B. ERIC H. HOLDER JR. (THE UNITED STATES ATTORNEY GENERAL)

II. Jurisdiction:

(Complete one or more of the following subparagraphs, A., B.1, B.2., or B.3., whichever is applicable.)

A. (If Applicable) Diversity of citizenship and amount:

1. Plaintiff is a citizen of the State of _____.

2. The first-named defendant above is either

a. a citizen of the State of _____; or

b. a corporation incorporated under the laws of the State of _____ and having its principal place of business in a State other than the State of which plaintiff is a citizen.

3. The second-named defendant above is either

a. a citizen of the State of _____; or

b. a corporation incorporated under the laws of the State of _____ and having its principal place of business in a State other than the State of which plaintiff is a citizen.

(If there are more than two defendants, set forth the foregoing information for

each additional defendant on a separate page and attach it to this complaint.)

Plaintiff states that the matter in controversy exceeds, exclusive of interest and costs, the sum of seventy-five thousand dollars (\$75,000.00).

B. (If applicable) Jurisdiction founded on grounds other than diversity (Check any of the following which apply to this case).

_____ 1. This case arises under the following section of the Constitution of the United States or statute of the United States (28 U.S.C. §1331): Constitution, Article_____, Section_____; Statute, US Code, Title_____, Section_____.

_____ 2. This case arises because of violation of the civil or equal rights, privileges, or immunities accorded to citizens of, or persons within the jurisdiction of, the United States (28 U.S.C. §1343).

X 3. Other grounds (specify and state any statute which gives rise to such grounds):

5 U.S.C. § 552

III. Statement of Claim:

(State here a short and plain statement of the claim showing that plaintiff is entitled to relief. State what each defendant did that violated the right(s) of the plaintiff, including dates and places of such conduct by the defendant(s). Do not set forth legal arguments. If you intend to allege more than one claim, number and set forth each claim in a separate paragraph. Attach an additional sheet, if necessary, to set forth a short and plain statement of the claim[s].)

ON 29TH JUNE 2011, I REQUESTED COPIES OF
ALL RECORDS ABOUT ME INDEXED TO MY NAME
FROM THE OFFICE OF INFORMATION POLICY.
I RECEIVED A NON-RESPONSIVE REPLY ON

Additional Information

2ND AUGUST 2011. IN THE REPLY, I WAS ASSIGNED
THE FOLLOWING IDENTIFICATION NUMBER: FOIPA
REQUEST NO. : 1169814-00. THEREAFTER, ON 6TH
AUGUST 2011, I APPEALED THE ADVERSE DETERMINATION.
TO DATE, I HAVE RECEIVED NO OFFICIAL
RESPONSE FROM THE OFFICE OF INFORMATION POLICY.

IV. Relief:

(State briefly exactly what judgement or relief you want from the Court. Do not make legal arguments.)

PLEASE COMPEL THE OFFICE OF INFORMATION
POLICY TO RELEASE COPIES OF ALL RECORDS
INDEXED TO MY NAME.

V. Do you claim the wrongs alleged in your complaint are continuing to occur at the present time? Yes ☒ No ☐

VI. Do you claim actual damages for the acts alleged in your complaint? Yes ☐ No ☒

VII. Do you claim punitive monetary damages? Yes ☐ No ☒

If you answered yes, state the amounts claimed and the reasons you claim you are entitled to recover money damages.

VIII. Administrative Procedures:

A. Have the claims which you make in this civil action been presented through any type of Administrative Procedure within any government agency? Yes ☒ No ☐

B. If you answered yes, give the date your claims were presented, how they were presented, and the result of that procedure:

A. 29TH JUNE 2011: INITIAL FOIA REQUEST

B. 2ND AUGUST 2011: NON-RESPONSIVE FOIA REPLY

(FOIPA REQUEST #: 1169814-00). C. 6TH AUGUST

2011: I APPEALED THE AFOREMENTIONED DECISION
C. If you answered no, give the reasons, if any, why the claims made in this action have not been presented through Administrative Procedures:

D. TO DATE, I HAVE RECEIVED NO OFFICIAL RESPONSE.

IX. Related Litigation:

Please mark the statement that pertains to this case:

_____ This cause, or a substantially equivalent complaint, was previously filed in this court as case number _____ and assigned to the Honorable Judge _____.

X _____ Neither this cause, nor a substantially equivalent complaint, previously has been filed in this court, and therefore this case may be opened as an original proceeding.

J. Onwong'A

Signature of Plaintiff

JAMES ONDERI ONWONG'A

Name (Print or Type)

PHYSICAL ADDRESS: L.R. NGONG / NGONG 14737,
25TH AVENUE HOLLYWOOD DRIVE OFF MAGADI
ROAD, KENYA

MAILING ADDRESS: Address
P.O. BOX 35459-00200 NAIROBI
KENYA

City State Zip Code

+254202332270
Telephone Number

DESIGNATION OF PLACE OF TRIAL

Plaintiff designates ☐ Wichita ☒ Kansas City or ☐ Topeka, Kansas as the location for the
(check one location)
trial in this matter.

Jenden
Signature of Plaintiff

REQUEST FOR TRIAL BY JURY

Plaintiff requests trial by jury ☒ yes ☐ no.
(check one)

Jenden
Signature of Plaintiff

Dated: 2ND APRIL 2012
(Rev. 8/07)

ADDITIONAL DEFENDANTS

2. ERIC H. HOLDER JR.

THE UNITED STATES ATTORNEY GENERAL
U.S. DEPARTMENT OF JUSTICE
10TH AND PENNSYLVANIA AVE., N.W.
WASHINGTON D.C., 20530

3. BARRY A. GRISSOM

THE UNITED STATES ATTORNEY IN KANSAS
360 ROBERT J. DOLE UNITED STATES COURTHOUSE
500 STATE AVENUE
KANSAS CITY, KS 66101